

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

KEVIN M. CLAY, et al,)
)
v.) Civil Action No. 10 - 986
) Magistrate Judge Lisa Pupo Lenihan
)
BANK OF AMERICA, et al,)
)

STIPULATION SELECTING ADR PROCESS

Counsel report that they have met and conferred regarding Alternative Dispute Resolution (ADR) and have reached the following stipulation pursuant to L.R. 16.2 and the Court's ADR Policies and Procedures.

I. PROCESS

Select one of the following processes:

- ☐ Mediation
☐ Early Neutral Evaluation (ENE)
☐ Court sponsored Binding¹ Arbitration
☐ Court sponsored Non-binding Arbitration
☒ Private ADR (please identify process and provider)

* The parties are in the process of selecting a private mediator.

☐ Other (please identify process and provider) _____

*If you are utilizing a private process, be advised that the case is still governed by the Court's ADR Policies and Procedures. It is the responsibility of counsel to ensure that all of the proper forms are timely submitted and filed, as required by Policies and Procedures.

II. COSTS

The parties have agreed to share the ADR costs as follows (do not complete percentages for court sponsored arbitration. For that process costs are paid by the court in accordance with 28 USC §658.):

_____ % by Plaintiff
_____ % by Defendant

*The parties have agreed to pro-rate the costs of ADR equally amongst those parties remaining in the case when ADR is scheduled. If a dispute arises as to compensation and costs for the mediator/neutral evaluator/private arbitrator, the Court will set reasonable compensation and costs.

¹For binding arbitration, please complete form "Stipulation to Binding Arbitration" located on the Court's website at www.pawd.uscourts.gov

III. NEUTRAL

The parties hereby designate by agreement the following individual to serve as a Neutral in the above-styled action: The parties are selecting a mediator.

Name of Neutral: _____

Address of Neutral: _____

Telephone & FAX Numbers: _____

Email address of Neutral: _____

The parties represent that they have contacted the selected prospective neutral and have determined that the neutral is available to conduct the ADR session within the time prescribed by the Court's Policies and Procedures and that the neutral does not have a conflict.

IV. PARTICIPANTS

Name of the individual(s) who will be attending the mediation or early neutral evaluation session in accordance with Sections 3.8A and 4.10A of the Court's ADR Policies and Procedures:
Undetermined.

For Plaintiff(s):

Name and title

For Defendant _____

Name and title

For Defendant _____

Name and title

For 3d party Deft _____

Name and title

If there is insufficient space to list all parties who will be attending the session, please add additional sheets as necessary.

Each party certifies that the representative(s) attending the ADR session on its behalf has full and complete settlement authority.

V. ACKNOWLEDGMENT

We, the undersigned parties to this action, declare that this stipulation is both consensual and mutual.

Dated: 11/17/2010

s/Leonard A. Bennett

Attorney for Plaintiff

Dated: 11/17/2010

s/Melissa M. Taylor

Attorney for Defendant, Bank of America, N.A.

s/Timothy P. Creech

Attorney for Defendant, Trans Union

s/Jennifer G. Betts

Attorney for Defendant, Experian